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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,327	10/24/2003	Robert Duncan Armour	PC25114A	8236
28523	7590	10/21/2005	EXAMINER	
PFIZER INC. PATENT DEPARTMENT, MS8260-1611 EASTERN POINT ROAD GROTON, CT 06340			SHIAO, REI TSANG	
			ART UNIT	PAPER NUMBER
			1626	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/693,327

Applicant(s)

ARMOUR ET AL.

Examiner

Robert Shiao

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on responses filed on 08/24, 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-12 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/24/03, 2/19/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This application claims benefit of the foreign application:  
UNITED KINGDOM 0224919.1 with a filing date 10/25/2002.
2. Claims 1-21 are pending in the application.

### ***Responses to Election/Restriction***

3. Applicant's election with traverse without arguments of Group I 1-12 and 18, in part, in the reply filed on August 24, 2005, is acknowledged. Applicants also elect the compound of Example 17, i.e., 4-(4-benzyl-5-benzyloxymethyl-4H-[1,2,4]triazol-3-yl)-3,4,5,6-tetrahydro-2H-[1,2'] bipyridinyl, as the single species for the search purpose.

### ***Status of the Claims***

4. Claims 1-21 are pending in the application. The scope of the invention of the elected subject matter is as follows.

Claims 1-12 and 18, in part, drawn to compounds/compositions of formula (I), wherein the variable A represents piperidindyl thereof; the variable B represents phenyl or het<sup>1</sup>, and het<sup>1</sup> represents pyridinyl or pyrimidinyl thereof, optionally substituted by R<sup>3</sup>, and R<sup>3</sup> is not substituted with heteroaryl or heterocycle (i.e., pyridyl, het<sup>4</sup>, etc); the variable R<sup>1</sup> is not substituted with heteroaryl or heterocycle (i.e., het<sup>2</sup> or het<sup>3</sup>); the variable R<sup>2</sup> does not represent heteroaryl or heterocycle, or the variable R<sup>2</sup> is not substituted with heteroaryl or heterocycle thereof; the variable R<sup>7</sup> does not represent

heteroaryl or heterocycle, or the variable R<sup>7</sup> is not substituted with heteroaryl or heterocycle thereof.

Claims 1-12 and 18 in part, embraced in above elected subject matter, are prosecuted in the case. Claims 1-12 and 18, in part, not embraced in above elected subject matter, and claims 13-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention.

The requirement is still deemed proper and is therefore made **FINAL**.

### ***Objection***

5. Claims 1-12 and 18 are objected to as containing non-elected subject matter, i.e., heteroaryl, heterocycle, het<sup>2</sup>, het<sup>3</sup>, het<sup>4</sup>, morpholine, furan, compounds No. 15, 23-35, 45-46, 50-58, 61-62, and 68-71 of claim 11, compounds No. 2, and 4-6 of claim 12, etc. It is suggested that applicants amend the claims to the scope of the elected subject matter as defined on the pages 2-3 *supra*.
6. The page 81 of the specification does not contain any texts, is objected. Correction is required.

### ***Telephone Inquiry***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.

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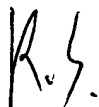
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAMAL A. SAEED, PH.D.  
PRIMARY EXAMINER



for Joseph K. McKane  
Supervisory Patent Examiner  
Art Unit 1626



Robert Shiao, Ph.D.  
Patent Examiner  
Art Unit 1626

October 11, 2005